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18   UNITED STATES DISTRICT COURT

19   DISTRICT OF NEVADA

20 ORACLE USA, INC., a Colorado corporation;   Case No 2:10-cv-0106-LRH-PAL
   ORACLE AMERICA, INC., a Delaware
21 corporation; and ORACLE INTERNATIONAL   **ORACLE'S MOTION TO SEAL**
   CORPORATION, a California corporation,   **PORTIONS OF ORACLE'S**
22   **OPPOSITION TO DEFENDANTS'**
                  Plaintiffs,   **MOTIONS *IN LIMINE* NOS. 1-12 AND**
23   v.   **EXHIBITS TO THE DECLARATION**
                                                    OF THOMAS HIXSON
24 RIMINI STREET, INC., a Nevada corporation;
   SETH RAVIN, an individual,
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                  Defendants.
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1   Pursuant to the Stipulated Protective Order governing confidentiality of documents

2   entered by the Court on May 21, 2010, Dkt. 55 ("Protective Order"), Local Rules 10-5(b) and

3   16.1-4, and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA,

4   Inc., Oracle America, Inc., and Oracle International Corporation (collectively "Oracle")

5   respectfully request that the Court grant leave to file under seal certain portions of Oracle's

6   Opposition to Defendants' Motions *In Limine* Nos. 1-12 and Exhibits 5-9, 12-18, 21-23, and 25-

7   28 to the Declaration of Thomas Hixson in support of the same (the "Hixson Declaration").

8   These portions of Oracle's motion and supporting documents reflect information that Rimini

9   Street, Inc. ("Rimini") has designated "Confidential" or "Highly Confidential - Attorneys' Eyes

10   Only" under the Protective Order. Public, redacted versions of Oracle's Opposition to

11   Defendants' Motions *In Limine* Nos. 1-12 and the Hixson Declaration were filed on August 14,

12   2015, *see* Dkt. 695-696, and an unredacted version of each was subsequently filed under seal

13   with the Court, *see* Dkt. 697-698.

14   The Protective Order states, "Counsel for any Designating Party may designate any

15   Discovery Material as 'Confidential Information' or 'Highly Confidential Information –

16   Attorneys' Eyes Only' under the terms of this Protective Order *only if such counsel in good*

17   *faith believes that such Discovery Material contains such information and is subject to*

18   *protection under Federal Rule of Civil Procedure 26(c).* The designation by any Designating

19   Party of any Discovery Material as 'Confidential Information' or 'Highly Confidential

20   Information – Attorneys' Eyes Only' shall constitute a representation that an attorney for the

21   Designating Party reasonably believes there is a valid basis for such designation." Protective

22   Order ¶ 2 (emphasis supplied).

23   Rimini has designated the entirety or portions of the following documents cited or

24   referred to in Oracle's Opposition to Defendants' Motions *In Limine* as Confidential ("C") or

25   Highly Confidential - Attorneys' Eyes Only ("HC"):

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Hixson Decl. Ex.	Description	Designation
5	PTX 0015	C
6	PTX 0035	C
7	PTX 0036	HC
8	PTX 0053	C
9	PTX 0065	C
12	PTX 0202	C
13	PTX 0203	C
14	PTX 0241	C
15	PTX 0348	C
16	PTX 0425	HC
17	PTX 0580	C
18	PTX 0601	C
21	PTX 1328	HC
22	PTX 1475	C
23	PTX 1669	HC
25	Seth Ravin 11/17/11 Dep. at 21:7–16, 144:19–145:6, 243:3-12	C
26	Grigsby 6/8/11 Dep. at 309:22–310:15	C
27	Report of Oracle's Expert Dr. Randall Davis at 62	C
28	Report of Oracle's Expert Elizabeth Dean, ¶¶ 46, 388	HC

The Court has also granted Oracle's motion to seal Exhibits 10, 13, 25, and 37 to the Appendix of Exhibits in Support of Plaintiffs Motion for Evidentiary Sanctions for Spoliation (*see* Dkts. 309, 316, 317), all of which are referred to Oracle's Opposition.

Oracle submits these documents under seal pursuant to the Protective Order based on (a) Rimini's representation that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations, or (b) the Court's prior order sealing relevant information. For the former category, because the documents were designated by Rimini, Oracle is not in a position to provide further justification for why filing them publicly would cause Rimini harm sufficient to show good cause.

Oracle has submitted all other portions of Oracle's Opposition to Defendants' Motions *In Limine* and supporting papers to the Court's public files, which allow public access to all materials except for the items discussed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file under seal the documents discussed above.

ORACLE'S MOTION TO SEAL PORTIONS OF ORACLE'S OPPOSITION TO DEFENDANTS' MOTIONS *IN LIMINE* NOS. 1-12 AND EXHIBITS TO THE DECLARATION OF THOMAS HIXSON

1   DATED: August 14, 2015   MORGAN, LEWIS & BOCKIUS LLP

2   By: _____/s/ Thomas S. Hixson_____
                                                   Thomas S. Hixson
3   Attorneys for Plaintiffs
4   Oracle USA, Inc.,
                                                 Oracle America, Inc.,
5   and Oracle International Corp.

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